

# Schools HR Enquiries

The table below provides some illustrative examples of when Schools HR advice is likely to be covered under the Gold retainer and when a matter may turn into a bespoke instruction which will incur a separate charge.

If an instruction is bespoke, we will always let you know and provide a fee estimate in writing for your approval before we undertake any work.

| HR Helpdesk - Retainer  | Bespoke   |
|---|---|
| <p><b>Ad hoc responses to HR enquiries and staff management, for example:</b></p> <ul style="list-style-type: none"> <li>• <b>managing sickness absence</b></li> <li>• <b>disciplinary matters and grievances</b></li> <li>• <b>pay awards and appeals</b></li> <li>• <b>recruitment and rights to work</b></li> <li>• <b>safeguarding and DBS</b></li> <li>• <b>training and career development</b></li> <li>• <b>staff well being</b></li> <li>• <b>equality and discrimination</b></li> <li>• <b>OH referrals</b></li> <li>• <b>ill health retirement</b></li> <li>• <b>employees with service occupancy requirements</b></li> </ul> | <p>Ongoing support with specific cases / face to face or remote attendance at meetings and hearings<br/>                     Advice and support for an independent investigation, including: drafting terms of reference, appointing and advising the independent investigator, supporting the investigator in the event of challenge by the complainant, those against whom allegations are made and witnesses, content of the report and advice on communication and implementation (including liaison with regulatory bodies). We have access to a dedicated team of independent investigators who have experience of investigations involving safeguarding issues, malpractice, financial irregularity, bullying and harassment and governance challenges.<br/>                     Advice on the merits of dismissal where there is challenge or a complex factual picture</p> |
| <p><b>General support with settlement discussions</b></p>   | <p>Drafting a settlement agreement.<br/>                     Negotiating potentially contentious settlement agreements or where ESFA consent is needed under the terms of the Academies Handbook</p>  |
| <p><b>Early advice on managing the risk of claims</b></p>   | <p>Employment Tribunal claims – Typically such claims are covered by a school’s insurers or the Risk Protection Arrangement (subject to the terms of the policy / the membership rules)<br/>                     Support provided throughout the process including advice on merits, drafting responses, attendance at hearings, instructing Counsel, making applications to the Tribunal (deposit orders and strike out applications), advising on disclosure and preparation of trial bundles.</p>  |

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|--|---|
| <p><b>Ad hoc HR policy reviews (including pay policies) / reviews of employment contracts as well as advising of changes in legislative requirements</b></p>   | <p>Reviewing or drafting a suite of HR policies or employment contracts – we now favour use of a centralised employment contract function with a single central contract and job description with individual staff terms and conditions captured by offer letter (this avoids the perennial problem of trying to get a contract signed post offer and ensuring this is saved to the personnel file)</p> |
| <p><b>Assisting with responses to the unions and advising on consultation protocols and any recognition agreement</b></p>  | <p>Ongoing support with contentious union correspondence and threats of industrial action</p>   |
| <p><b>General support with staffing reviews and restructure</b></p>  | <p>Drafting the business case and s188 letters and if needed any settlement agreement to address an agreed redundancy</p>   |
| <p><b>Advice on the implications of a service provision change for the purposes of TUPE and supporting any broad due diligence ensuring the employee liability information is provided</b></p>   | <p>Drafting or advising on the TUPE measures letter and undertaking negotiations with the service provider including any contentious follow up around LGPS Admission Agreements</p>   |
| <p><b>Advice on due diligence (in the context of conversion and academy transfers and mergers)</b></p>   | <p>Reviews of third-party contracts</p>   |
| <p><b>Advice on privacy notices and dealing with GDPR and FOIA obligations. We can provide a certain level of support with data subject access requests and advice on exemptions, including advising on responses to those who have raised requests. Advice on data breaches and communications with the ICO. Support for the Trust’s DPO.</b></p> | <p>A comprehensive review of information to be disclosed can be carried out.<br/>Responding to any claim for damages for a personal data breach</p>   |
| <p><b>Advice on flexible working policies</b></p>  | <p>Reviews of flexible working practices and responding to a challenge to a flexible working request<br/>Advising on the use of consultants and drafting consultant contracts, including advising on the impact of IR35</p>   |